

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 949

Short Title: Market Based Recycling. (Public)

Sponsors: Representatives Moffitt, McGrady, and West (Primary Sponsors).
For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Commerce and Job Development, if favorable, Environment, if favorable,
Finance.

April 17, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPLEMENT A PRODUCER-DRIVEN MARKET-BASED STATEWIDE
3 RECYCLING PROGRAM TO ENHANCE RECOVERY RATES OF VALUABLE
4 MATERIALS IN A COST-EFFICIENT MANNER THEREBY ENCOURAGING
5 ECONOMIC GROWTH OF BUSINESSES IN THE STATE THAT USE RECOVERED
6 MATERIALS TO MANUFACTURE A VARIETY OF PRODUCTS.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** Article 9 of Chapter 130A of the General Statutes is amended by
9 adding a new Part to read:

10 "Part 2I. Market-Based Recycling Program for Packaging and Printed Paper.

11 "**§ 130A-309.160. Findings.**

12 The General Assembly makes the following findings:

- 13 (1) It is declared to be the policy of the State to obtain, to the extent practicable,
14 economic benefits from the recovery of solid waste and reuse of material and
15 energy resources.
- 16 (2) It is declared to be the policy of the State to develop the State's recycling
17 industry by promoting the successful development of markets for recycled
18 items and by promoting the acceleration and advancement of the technology
19 used in manufacturing processes that use recycled items.
- 20 (3) It is declared to be the policy of the State to encourage counties,
21 municipalities, and State agencies to contract with private persons for any or
22 all the services in order to assure that the services are provided in the most
23 cost-effective manner.
- 24 (4) It is declared to be the goal of the State to foster partnerships between the
25 public and private sectors that strengthen the supply of, and demand for,
26 recyclable and reusable materials and that foster opportunities for economic
27 development from the recovery and reuse of materials.
- 28 (5) It is estimated that local governments across the State spent at least
29 ninety-five million dollars (\$95,000,000) to finance recycling program
30 efforts in North Carolina in the 2011–2012 fiscal year.
- 31 (6) It is estimated that local governments across the State are only recycling
32 between twenty–seven percent (27%) and thirty–one percent (31%) of



1 available household recyclable material, which approximates the national
2 average for local government recycling rates.

3 (7) The recycling of waste packaging or printed paper recovers valuable
4 materials for reuse and will create jobs and expand the tax base of the State.

5 (8) Over the last 10 years or more, the supply of recycled feedstock from
6 recycling collection programs has consistently failed to keep up with
7 demand, leading to underutilization of capital investments in reclamation
8 capacity and shortfalls in meeting the feedstock needs of manufacturers.

9 (9) North Carolina is already home to a robust and integrated recycling industry
10 that employs over 15,000 people and includes numerous reclaimers of
11 materials and manufacturers who use the material to make a wide range of
12 products. And these and other North Carolina companies are developing
13 innovative and effective new technologies for recycling and are continuing
14 to expand and create jobs.

15 (10) Producer-driven market-based recycling programs can improve collection
16 efficiency, increase quality and value of collected materials, and create
17 economies of scale to reduce expenses.

18 (11) Producer-driven market-based recycling programs leverage the business
19 community's experience with distribution networks, supply chains, and
20 customers to create more efficient systems that achieve much higher
21 recovery rates.

22 (12) Producer-driven market-based recycling programs have the ability to cut
23 costs for businesses and organizations by decreasing energy and raw
24 material expenditures.

25 (13) Producer-driven market-based recycling programs for packaging and printed
26 paper are an efficient way to provide recycling services to all citizens of this
27 State.

28 **"§ 130A-309.161. Definitions.**

29 As used in this Part, the following definitions apply:

30 (1) "Commodity" means a subcategory of material type that can be processed
31 and sold by material recovery facilities. Commodities include, but are not
32 limited to, aluminum, steel, distinct plastic resins and paper grades, and glass
33 containers.

34 (2) "Household" means an occupant of a single detached dwelling unit or a
35 single unit of a multiple dwelling unit located in this State.

36 (3) "Material type" means a broad category of packaging distinguished by the
37 raw material used in its manufacturing. Material types include, but are not
38 limited to, metal, glass, plastic, and paper.

39 (4) "Packaging" means any package or container, or any part of a package or
40 container, that includes material that is used for the containment, protection,
41 handling, delivery, and presentation of goods sold, offered for sale,
42 delivered, or distributed to households in the State. Packaging for the
43 purposes of this Part does not include packaging or containers used solely
44 for the transportation, display, or storage of products and which would not
45 customarily find its way into households.

46 (5) "Printed paper" means paper sold, offered for sale, delivered, or distributed
47 to households in the State that is printed with text or graphics as a medium
48 for communicating information. Examples include the following: newsprint
49 and inserts; magazines and catalogs; direct mail; and telephone directories.
50 Printed paper covered under this Part does not include paper that is defined

1 as packaging, bound reference books, bound literary books, or bound text
2 books.

3 (6) "Producer" means any of the following:

4 a. A person that has legal ownership of the brand, brand name, or
5 co-brand of a product or material sold, offered for sale, delivered, or
6 distributed in the State that results in waste packaging or printed
7 paper, whether or not the producer is located in the State.

8 b. A person that makes an unbranded product that is sold, offered for
9 sale, or distributed in the State that results in waste packaging or
10 printed paper.

11 c. A person that sells packaging and printed paper at retail, does not
12 have legal ownership of the brand, and elects to fulfill the
13 responsibilities of the producer for that product.

14 (7) "Producer recycling program" means a requirement for a producer to provide
15 for or finance the recycling of packaging and printed paper including
16 collection, education, and recycling of those materials for recycling.

17 (8) "Producer Recycling Organization" means an organization designated by a
18 group of producers to act as an agent on behalf of each producer to develop
19 and operate a producer recycling program for packaging and printed paper.

20 (9) "Program plan" or "plan" means a detailed plan required under this Part that
21 describes the manner in which producers will implement and finance a
22 producer recycling program.

23 (10) "Recycler" means a person that recycles waste packaging and printed paper.

24 (11) "Recycling rate" means the percentage of packaging and printed paper sold,
25 offered for sale, delivered, or distributed to households in the State that is
26 collected, processed, and delivered for use in manufacturing processes or for
27 recycling of usable materials.

28 (12) "Retailer" means a person that offers packaging and printed paper for sale in
29 the State at retail through any means, including remote offerings such as
30 sales outlets, catalogs, or the Internet. For purposes of this subdivision, "sale
31 at retail" does not include a sale that is a wholesale transaction with a
32 distributor or a retailer.

33 (13) "Reuse" means a process by which packaging and printed paper is used
34 again without the process of manufacturing for the same purpose for which it
35 was originally manufactured.

36 (14) "Sell" or "sale" means any transfer for consideration of title or of the right to
37 use, by lease or sales contract, including, but not limited to, transactions
38 conducted through sales outlets, catalogs, or the Internet, or any other similar
39 electronic means either inside or outside of the State, by a person who
40 conducts the transaction and controls the delivery of packaging and printed
41 paper, but does not include a manufacturer's or distributor's wholesale
42 transaction with a distributor or a retailer.

43 **"§ 130A-309.162. Responsibility for recycling discarded packaging and printed paper.**

44 Each producer, whether acting individually or acting under a joint producer recycling
45 program plan as authorized under subsection (d) of this section, shall implement a producer
46 recycling program plan prepared in accordance with the provisions of G.S. 130A-309.163 for
47 the collection and recycling of packaging and printed paper discarded by households in this
48 State no later than June 1, 2016.

49 **"§ 130A-309.163. Requirements for producers of packaging and printed paper.**

1 (a) Registration Required. – Each producer, before selling or offering for sale products
2 or material in the State that would result in waste packaging or printed paper in North Carolina,
3 shall register with the Department.

4 (b) Producer Recycling Program Plan Required. – Each producer, or a group of
5 producers acting under a joint plan as authorized under subsection (d) of this section, shall
6 develop, submit to the Department, and implement a producer recycling program plan for the
7 collection and recycling of packaging and printed paper discarded by households in this State.
8 The producer shall submit a proposed plan to the Department within 90 days of registration as
9 required by subsection (a) of this section. The plan shall include all of the following:

10 (1) Contact information for an individual representing the entity submitting the
11 plan, and, if applicable, a list of all producers participating in a joint plan as
12 authorized under subsection (d) of this section.

13 (2) A description of:

14 a. The methods by which packaging and printed paper will be collected,
15 transported, processed, and recycled from households in a convenient
16 manner in all parts of the State, with an explanation of how existing
17 infrastructure may be used.

18 b. How the producer, or, if applicable, producers operating under a joint
19 plan, will provide for environmentally sound management practices
20 to transport and recycle discarded packaging and printed paper.

21 c. How the producer, or, if applicable, producers operating under a joint
22 plan, will finance the plan, including how any fee structure complies
23 with the requirements of subsection (g) of this section.

24 d. How the existing recycling infrastructure will be enhanced to achieve
25 a minimum recycling rate of fifty percent (50%) by 2020 for
26 packaging and printed paper, as well as proposed annual interim
27 recycling goals for recyclable packaging and printed paper.

28 e. Proposed activities that will develop markets for packaging that is
29 not currently accepted for recycling and proposed incentives and
30 other options available to encourage domestic use of recycled
31 materials.

32 f. Potential joint activities with the Department and the Department of
33 Commerce to identify ways in which the proposed recycling program
34 can generate local infrastructure investment, business development,
35 and job creation related to the collection, transportation, and
36 processing of post-consumer packaging materials.

37 g. The process for determining how much packaging is sold into the
38 State each year and determining the amount of material recovered
39 and recycled.

40 h. Strategies for promoting the recycling program to residents, retailers,
41 wholesalers, collectors, and other interested parties.

42 i. How the producer will provide recycling services throughout the
43 State, particularly to underserved and rural communities.

44 (3) A set of targets for recycling rates for each marketable commodity, including
45 at least the following: steel cans; aluminum beverage containers; aluminum
46 not used for beverages; polyethylene terephthalate (PET) beverage
47 containers; PET not used for beverages; high density polyethylene (HDPE);
48 polyvinyl chloride (PVC); low density polyethylene (LDPE); polypropylene
49 (PP); polystyrene (PS); plastic bags and film plastic, including flexible film
50 packaging; beverage container glass; glass containers not used for
51 beverages; newsprint; magazines, catalogs, and other coated paper;

1 telephone directories; corrugated cardboard; paperboard; aseptic packaging
2 and cartons; and other paper types.

3 (4) Information on stakeholder input on a proposed plan, or update to a plan as
4 required pursuant to subsection (e) of this section. Before submitting a plan
5 or an update to the Department, each producer, or group of producers acting
6 under a joint plan as authorized under subsection (d) of this section, must
7 solicit comments and input from stakeholders including retailers, waste
8 haulers, recyclers, units of local government, consumers, and members of
9 the public on the plan generally and for input on how the State's recycling
10 system could be made more cost-effective and efficient. The producer, or
11 group of producers acting under a joint plan, shall attempt to address any
12 concerns before submitting its plan to the Department for review. Comments
13 received from stakeholders must be submitted to the Department, which
14 shall be considered by the Department in reviewing the plan.

15 (c) Mandatory Recycling Rates. – By June 1, 2020, producers shall achieve an annual
16 recycling rate of fifty percent (50%) by weight for all household packaging and printed paper
17 sold into the State; and by June 1, 2023, producers shall achieve an annual recycling rate of
18 sixty percent (60%) by weight for all household packaging and printed paper sold into the
19 State. Recycling rate targets by material type and commodity shall be included in the program
20 plan as described in subdivision (2) of subsection (b) of this section.

21 (d) Joint Producer Recycling Program Plans. – A producer of packaging or printed
22 paper sold or distributed in the State may fulfill the requirements of subsection (b) of this
23 section by participation in a joint producer recycling program plan with other producers, or
24 participation in a joint plan operated by a producer recycling organization. A joint plan shall
25 meet the requirements of subsection (b) of this section. In addition, producers are authorized to
26 act in cooperation with the Department, units of local government, commodity associations,
27 retailers, waste haulers, and recyclers in order to maximize the recycling of household
28 packaging and printer paper disposed of in this State and in order to fulfill the requirements of
29 this Part.

30 (e) Producer Recycling Program Plan Revision. – Beginning June 1, 2018, and every
31 two years thereafter, a producer, or a group of producers acting under a joint plan as authorized
32 under subsection (d) of this section, shall update its producer recycling program plan and
33 submit it to the Department for review and approval. Updates to the plan shall incorporate
34 measures to add or enhance recycling service and technical assistance for underserved
35 locations, such as public property, office buildings, and food service establishments, and to add
36 or enhance recycling service for products and material not currently capable of being recycled.
37 Producers may consult with the Department regarding technical assistance to businesses. The
38 Department may require a producer to revise a plan if the Department finds that the plan is
39 inadequate.

40 (f) Payment of Costs for Plan Implementation. – Each producer, whether operating
41 individually or acting under a joint producer recycling program plan as authorized under
42 subsection (d) of this section, is responsible for all costs associated with the development and
43 implementation of its plan, including all costs of collecting and recycling packaging and printed
44 paper discarded by households in the State. A producer shall not collect a fee from a household
45 at the time packaging and printed paper is collected for recycling.

46 (g) Imposition of Fee Authorized by Joint Producer Programs and Producer Recycling
47 Organizations. – If applicable, a group of producers acting under a joint producer recycling
48 program plan as authorized under subsection (d) of this section may propose a fee structure in
49 their plan to be imposed on participating producers that will generate sufficient revenue to
50 implement a plan. The following factors may be considered in setting a fee structure pursuant
51 to this subsection: (i) fees that reward a producer's use of post-consumer material content; (ii)

1 fees that reward higher recycling rates for marketable commodity types; (iii) fees that reward a
2 producer's use of materials that have higher post-consumer material value; (iv) fees that reward
3 a producer's use of materials with lower relative processing costs; and (v) fees that reward a
4 producer's use of reusable or refillable packaging. On an annual basis, a producer recycling
5 organization shall return any fund balance in excess of ten percent (10%) of cash reserves to
6 participating producers in proportion to their annual contribution, provided the plan has met the
7 target recycling rates set forth in G.S. 130A-309.163(b)(3).

8 (h) Fee to Department Required. – To support the Department's efforts to review, audit,
9 and enforce producer recycling program plans, a producer, or a group of producers acting under
10 a joint plan as authorized under subsection (d) of this section, shall pay (i) an initial registration
11 fee to the Department within 90 days of registration as required in subsection (a) of this section;
12 and (ii) an annual renewal registration fee to the Department, which shall be paid each year no
13 later than July 1. The proceeds of these fees shall be credited to the Producer Recycling
14 Management Account established pursuant to G.S. 130A-309.170. The Department shall set the
15 fee at an amount that, when paid by all producers acting individually and groups of producers
16 acting under joint plans as authorized by subsection (d) of this section, is not greater than the
17 Department's full costs of administering and enforcing this Part, including any program
18 development costs or regulatory costs incurred by the Department prior to program plans being
19 submitted. The Department shall ensure:

- 20 (1) Costs to the Department must be transparent and available to the public on
21 the Department's Web site.
22 (2) The fee structure shall be published on the Department's Web site by January
23 1, 2016.

24 (i) Annual Report. – No later than October 1, 2017, each producer, or group of
25 producers acting under a joint producer recycling program plan as authorized under subsection
26 (d) of this section, shall submit a report to the Department, and on October 1 annually
27 thereafter, on the preceding year's activities. At a minimum, the report shall include all of the
28 following:

- 29 (1) The recycling rate for each material type and marketable commodity, and a
30 description of the methodology for determining how much packaging is sold
31 into the State each year, and for determining the amount of material
32 recycled.
33 (2) The progress toward achieving target recycling rates by material type and
34 marketable commodity.
35 (3) An explanation for any deviations from the approved plan and proposed
36 actions to achieve compliance.
37 (4) An evaluation of the effectiveness of the producer recycling program
38 financing system in promoting reduction and recycling and reflecting actual
39 costs to manage particular material types and marketable commodities.
40 (5) If applicable, a list of producers participating in a joint plan as authorized by
41 subsection (d) of this section that are in arrears for fee payments.
42 (6) The public education and outreach activities performed, including an
43 analysis of the activities' effectiveness using annual random consumer
44 surveys.
45 (7) A description of activities and accounting for funds used for promoting
46 domestic use of recyclable materials and for market development.
47 (8) A description of any joint activities with the Department and the Department
48 of Commerce to identify ways in which the program can generate local
49 infrastructure investment, business development, and job creation related to
50 the collection, transportation, and processing of post-consumer packaging
51 materials.

1 (9) Other information the Department may request in order to evaluate the
2 effectiveness of the program.

3 (j) Information to Retailers and Distributors. – Each producer, or group of producers
4 acting under a joint plan as authorized under subsection (d) of this section, shall provide
5 information about the program, in writing, to all persons selling or distributing its product in
6 this State. Notification must be provided at least 60 days before commencement of
7 implementation of an approved plan, or implementation of a plan updated in accordance with
8 subsection (e) of this section. This section shall not be construed to impose any requirements of
9 this Part upon retailers or distributors.

10 **"§ 130A-309.164. Applicability.**

11 Each producer of packaging or printed paper with gross sales in the State of less than two
12 hundred fifty thousand dollars (\$250,000) is exempt from the requirements of this Part. A
13 producer with gross sales in the State between two hundred fifty thousand dollars (\$250,000)
14 and five hundred thousand dollars (\$500,000) shall pay an annual fee to a producer recycling
15 organization not to exceed seven hundred fifty dollars (\$750.00) in lieu of payment of any other
16 fees or compliance with any other requirements established by this Part.

17 **"§ 130A-309.165. Producer conduct authorized; prohibited.**

18 (a) Conduct Authorized. – A producer, or group of producers acting under a joint
19 producer recycling program plan as authorized under subsection (d) of this section, is immune
20 from liability for conduct under State law that would otherwise be prohibited relating to
21 antitrust, restraint of trade, unfair trade practices, and other regulation of trade or commerce
22 only to the extent that the conduct is necessary to develop, implement, and finance its
23 responsibilities under this Part.

24 (b) Conduct Prohibited. – A producer, or group of producers acting under a joint
25 producer recycling program plan as authorized under subsection (d) of this section, shall not:

26 (1) Use funds collected pursuant to G.S. 130A-309.163(g) or otherwise
27 generated to comply with the requirements of this Part (i) to disparage or
28 make false or misleading claims against packaging material types; or (ii) for
29 the purpose of influencing legislation or governmental action other than to
30 amend a program plan.

31 (2) Charge a visible fee to households, consumers, or businesses in order to
32 comply with the requirements of this Part.

33 **"§ 130A-309.166. Responsibilities of the Department.**

34 (a) Review and Approval of Producer Recycling Program Plans. – Within 60 days of
35 submittal, the Department must review each producer recycling program plan submitted
36 pursuant to G.S. 130A-309.163(b) and updated plans submitted pursuant to
37 G.S. 130A-309.163(e) for compliance with the requirements of this Part. The Department shall
38 notify the individual identified under a plan pursuant to G.S. 130A-309.163(b)(1) in writing
39 whether the plan has been approved or rejected. If the Department rejects a plan, the
40 Department shall notify the individual identified under a plan pursuant to
41 G.S. 130A-309.163(b)(1) in writing of the reasons for rejecting the plan. A producer, or group
42 of producers acting under a joint producer recycling program plan as authorized under
43 subsection (d) of this section, whose plan has been rejected by the Department shall submit a
44 revised plan to the Department within 60 days after receiving notice of the rejection.

45 (b) Information to be Provided and Maintained. – The Department shall:

46 (1) Develop and maintain a current list of producers that are in compliance with
47 the requirements of G.S. 130A-309.163, and post the list to the Department's
48 Web site.

49 (2) Develop and maintain a database of approved producer recycling program
50 plans, each of which shall be posted within 30 days of Department approval
51 to the Department's Web site.

1 (3) Develop and implement a public education program on the laws governing
2 the recycling and reuse of packaging and printed paper under this Article and
3 on the methods available to consumers to comply with those requirements.
4 The Department shall make this information available on the Department's
5 Web site and shall provide technical assistance to producers to meet the
6 requirements of G.S. 130A-309.163(b)(2)h.

7 (4) Maintain the confidentiality of any information that is required to be
8 submitted by a manufacturer under this Part that is designated as a trade
9 secret, as defined in G.S. 66-152(3), and that is designated as confidential or
10 as a trade secret under G.S. 132-1.2.

11 (c) Annual Report. – Beginning in 2017, the Department shall include information on
12 the recycling of packaging and printed paper discarded by households in the State pursuant to
13 this Part in the annual report required under G.S. 130A-309.06(c). In addition, the Department
14 shall submit the information required by this section to the Fiscal Research Division. The report
15 must include an evaluation of the recycling rates in the State for packaging and printed paper
16 discarded by households in the State, a discussion of compliance and enforcement related to the
17 requirements of this Part, and any recommendations for any changes to the system of collection
18 and recycling of packaging and printed paper discarded by households in the State. In addition,
19 the report shall include all of the following:

20 (1) The overall recycling rate for each material type and marketable commodity.

21 (2) The costs to the Department of administering the requirements of this Part
22 and the amount of fees collected from producers pursuant to
23 G.S. 130A-309.163(h).

24 (3) A description of the collection programs, including the location of collection
25 sites.

26 (4) A summary of comments received from producers and other stakeholders.

27 (5) Recommendations to improve the operation of the producer recycling
28 program.

29 (d) Consultation with Units of Local Government. – The Department shall consult with
30 municipalities and counties to determine how producer activities conducted pursuant to the
31 requirements of this Part will allow for and are impacting the reduction of recycling activities
32 by units of local government.

33 **"§ 130A-309.167. Authorization for multistate implementation.**

34 The Department is authorized to participate in the establishment of a regional multistate
35 organization or compact to assist in carrying out the requirements of this Part and to promote
36 uniformity in administration among all participating states.

37 **"§ 130A-309.168. Enforcement.**

38 (a) Prohibition on Sales. – On and after June 1, 2016, except as provided in
39 G.S. 130A-309.164, no person may sell, offer for sale, barter, exchange, give, or distribute a
40 product in the State which would result in waste packaging and printed paper unless the
41 producer of the product participates individually, or jointly with other producers as authorized
42 by G.S. 130A-309.163(d), in an approved producer recycling program for packaging and
43 printed paper.

44 (b) Penalties. – This Part may be enforced as provided by Part 2 of Article 1 of this
45 Chapter.

46 (c) Private Right of Action Among Producers. – A producer injured by a violation of
47 the requirements of this Part by another producer shall have a private right of action.

48 **"§ 130A-309.169. Units of local government.**

49 (a) Prohibition of Certain Fees. – A unit of local government may not assess a fee to
50 households for collection and recycling services that it no longer provides or for collection and
51 recycling costs for which a unit of local government is reimbursed by producers.

1 **(b) Existing Contracts.** – This Part shall not be construed to void or otherwise impair
2 any existing contracts between a unit of local government and any entity for collection and
3 recycling services.

4 **(c) Opt Out.** – A unit of local government may elect not to participate in a producer
5 recycling program conducted pursuant to this Part. A unit of local government shall notify the
6 Department in writing of its intention to opt out of a program operating within its jurisdiction.
7 Local government units that opt out of a program are not eligible for reimbursement from
8 producers.

9 **(d) Information for Local Solid Waste Management Plans.** – A producer shall provide
10 information to a local government on the producer's activities within the local government's
11 jurisdiction conducted pursuant to the requirements of this Part that are relevant to the local
12 government's responsibilities with respect to management of solid waste as provided in
13 G.S. 130A-309.09A and G.S. 130A-309.09B.

14 **(e) Local Government Authority Not Preempted.** – Nothing in this Part shall be
15 construed as limiting the authority of any local government to manage packaging and printed
16 paper that are solid waste.

17 **"§ 130A-309.170. Producer Recycling Management Account.**

18 **(a) Creation.** – The Producer Recycling Management Account is established as a
19 nonreverting account within the Department. The Account consists of revenue credited to the
20 Fund from the proceeds of the fee imposed on producers under G.S. 130A-309.163(h).

21 **(b) Use.** – Moneys in the Account shall only be used by the Department for
22 implementation, administration, oversight, and enforcement of the provisions of this Part."

23 **SECTION 2.** G.S. 130A-309.03 reads as rewritten:

24 **"§ 130A-309.03. Findings, purposes.**

25 ...

26 **(b)** It is the purpose of this Part to:

- 27 (1) Regulate in the most economically feasible, cost-effective, and
28 environmentally safe manner the storage, collection, transport, separation,
29 processing, recycling, and disposal of solid waste in order to protect the
30 public health, safety, and welfare; enhance the environment for the people of
31 this State; and recover resources which have the potential for further
32 usefulness.
- 33 (2) Establish and maintain a cooperative State program of planning, technical
34 assistance, and financial assistance for solid waste management.
- 35 (3) Require counties and municipalities to adequately plan and provide efficient,
36 environmentally acceptable solid waste management programs; and require
37 counties to plan for proper hazardous waste management.
- 38 (4) Require review of the design, and issue permits for the construction,
39 operation, and closure of solid waste management facilities.
- 40 (5) Promote the application of resource recovery systems that preserve and
41 enhance the quality of air, water, and land resources.
- 42 (6) Ensure that exceptionally hazardous solid waste is transported, disposed of,
43 stored, and treated in a manner adequate to protect human health, safety, and
44 welfare; and the environment.
- 45 (7) Promote the reduction, recycling, reuse, or treatment of solid waste,
46 specifically including hazardous waste, in lieu of disposal of the waste.
- 47 (8) Promote methods and technology for the treatment, disposal, and
48 transportation of hazardous waste which are practical, cost-effective, and
49 economically feasible.
- 50 (9) Encourage counties and municipalities to utilize all means reasonably
51 available to promote efficient and proper methods of managing solid waste

- 1 and to promote the economical recovery of material and energy resources
2 from solid waste, including contracting with persons to provide or operate
3 resource recovery services or facilities on behalf of the county or
4 municipality.
- 5 (10) Promote the education of the general public and the training of solid waste
6 professionals to reduce the production of solid waste, to ensure proper
7 disposal of solid waste, and to encourage recycling.
- 8 (11) Encourage the development of waste reduction and recycling as a means of
9 managing solid waste, conserving resources, and supplying energy through
10 planning, grants, technical assistance, and other incentives.
- 11 (12) Encourage the development of the State's recycling industry by promoting
12 the successful development of markets for recycled items and by promoting
13 the acceleration and advancement of the technology used in manufacturing
14 processes that use recycled items.
- 15 (13) Give the State a leadership role in recycling efforts by granting a preference
16 in State purchasing to products with recycled content.
- 17 ~~(14) Require counties to develop and implement recycling programs so that~~
18 ~~valuable materials may be returned to productive use, energy and natural~~
19 ~~resources conserved, and the useful life of solid waste management facilities~~
20 ~~extended.~~
- 21 (15) Ensure that medical waste is transported, stored, treated, and disposed of in a
22 manner sufficient to protect human health, safety, and welfare; and the
23 environment.
- 24 (16) Require counties, municipalities, and State agencies to determine the full
25 cost of providing storage, collection, transport, separation, processing,
26 recycling, and disposal of solid waste in an environmentally safe manner;
27 and encourage counties, municipalities, and State agencies to contract with
28 private persons for any or all the services in order to assure that the services
29 are provided in the most cost-effective manner."

30 **SECTION 3.** This act becomes effective July 1, 2014.